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## Please Co-Sponsor The Worker Safety and Energy Security Act (LRB 0759/LRB 3454)

TO: Wisconsin State Lawmakers

FROM: American Chemistry Council, American Petroleum Institute, Construction Business Group, International Union of Operating Engineers Local 139, Mechanical Contractors Association of Wisconsin, Metropolitan Milwaukee Association of Commerce, Midwest Food Products Association, Plumbing and Mechanical Contractors Association of Milwaukee and Southeastern Wisconsin, Sheet Metal and Air Conditioning Contractors' Association of Milwaukee, Wisconsin Building Trades Council, Wisconsin Farm Bureau Federation, Wisconsin Grocers Association, Wisconsin Independent Businesses, Wisconsin Independent Businesses Agri-Business Coalition, Wisconsin Industrial Energy Group, Wisconsin Laborers District Council, Wisconsin Manufacturers & Commerce, Wisconsin Paper Council, Wisconsin Pipe Trades, Wisconsin Propane Gas Association, Wisconsin Restaurant Association, Wisconsin Rural Water Association, Wisconsin Transportation Builders Association, Wisconsin Utilities Association

DATE: July 29, 2019

There is no doubt that our state's economy and families depend on an infrastructure network to move and supply energy and water for transportation, heating homes, powering

manufacturing, fueling agriculture and for providing the sustenance for survival. Unfortunately, we are seeing increased efforts by some to sabotage this critical infrastructure and harass the workers we depend on to keep it up and running.

In recent years, critical infrastructure worksites in the Midwest have seen millions of dollars of construction equipment set on fire<sup>1</sup>, hydraulic fluid leaked onto the ground due to vandalism<sup>2</sup>, intimidation of labor on worksites<sup>3</sup>, and individuals using force to break into facilities and unsafely turn off this critical infrastructure.<sup>4</sup> Unfortunately, those causing this damage and disruption often either do not fully understand the harm they cause or simply don't care. Workers – usually skilled, union tradesmen and tradeswomen – are increasingly feeling unsafe and are seeing their equipment and even their own personal property being damaged. Attempts to improperly turn off or sabotage critical infrastructure is also putting our communities and environment at risk, and, in some cases, putting the lives of those doing the vandalism in jeopardy.

To address these serious and growing concerns, the Worker Safety and Energy Security Act adds petroleum, renewable fuel, chemical and water infrastructure to the existing criminal statute protecting our critical infrastructure from trespassing and damage, giving these types of critical infrastructure the same protections as electric and natural gas infrastructure. Nothing in this legislation impacts first amendment rights to organize, protest or picket, and to make that clear language has been included to ensure this legislation does not violate those rights.

We view this as a commonsense proposal that merely corrects an oversight from when the Legislature passed its bill protecting utility infrastructure from these same types of criminal actions. This bipartisan legislation has support from labor, agriculture and business and we respectfully ask that you add your name as a co-sponsor.

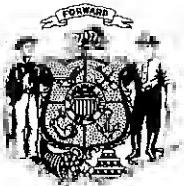
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<sup>1</sup> <https://www.stormlakepilottribune.com/story/2360014.html>

<sup>2</sup> <https://www.duluthnewstribune.com/business/energy-and-mining/4459466-equipment-vandalized-line-3-replacement-site>

<sup>3</sup> <https://www.liuna.org/news/story/extremists-target-dakota-access-pipeline-construction>

<sup>4</sup> <https://www.apnews.com/c816b1cf8e1047f688fe349e2712d0f4>



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0759/1  
MLJ:cdc

## 2019 BILL

1     AN ACT *to amend* 943.01 (2k) (a) 1. a., 943.01 (2k) (a) 3., 943.143 (1) (a) 1. a.,  
2         943.143 (1) (a) 3. and 943.143 (1) (b); and *to create* 943.01 (2k) (a) 6., 943.01  
3         (2k) (c), 943.143 (1) (a) 6. and 943.143 (3) of the statutes; **relating to:**  
4         trespassing on the property of an energy provider and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of “energy provider” is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5     SECTION 1. 943.01 (2k) (a) 1. a. of the statutes is amended to read:

1           943.01 **(2k)** (a) 1. a. The production, transmission, delivery, or furnishing of  
2 heat, power, or light, or water.

3           **SECTION 2.** 943.01 (2k) (a) 3. of the statutes is amended to read:

4           943.01 **(2k)** (a) 3. A cooperative association organized under ch. 185 for the  
5 purpose of producing or furnishing heat, light, or power, or water for its members.

6           **SECTION 3.** 943.01 (2k) (a) 6. of the statutes is created to read:

7           943.01 **(2k)** (a) 6. A company that operates a gas, oil, petroleum, refined  
8 petroleum product, renewable fuel, water, or chemical generation, storage  
9 transportation, or delivery system.

10          **SECTION 4.** 943.01 (2k) (c) of the statutes is created to read:

11          943.01 **(2k)** (c) Paragraph (b) does not apply to any of the following:

12           1. Any person who is:

13           a. Monitoring compliance with public or worker safety laws, wage and hour  
14 requirements, or other statutory requirements.

15           b. Engaging in picketing occurring at the workplace that is otherwise lawful  
16 and arises out of a bona fide labor dispute including any controversy concerning any  
17 of the following: wages or salaries; hour; working conditions; benefits, including  
18 welfare, sick leave, insurance, pension or retirement provisions; or the managing or  
19 maintenance of collective bargaining agreements and the terms to be included in  
20 those agreements.

21           c. Engaged in union organizing or recruitment activities that is otherwise  
22 lawful including attempting to reach workers verbally, in writing, and in the  
23 investigation of non-union working conditions.

24          2. An exercise of a person's right of free speech or assembly that is otherwise  
25 lawful.

**BILL**

1           **SECTION 5.** 943.143 (1) (a) 1. a. of the statutes is amended to read:

2           943.143 (1) (a) 1. a. The production, transmission, delivery, or furnishing of  
3 heat, power, or light, or water.

4           **SECTION 6.** 943.143 (1) (a) 3. of the statutes is amended to read:

5           943.143 (1) (a) 3. A cooperative association organized under ch. 185 for the  
6 purpose of producing or furnishing heat, light, or power, or water for its members.

7           **SECTION 7.** 943.143 (1) (a) 6. of the statutes is created to read:

8           943.143 (1) (a) 6. A company that operates a gas, oil, petroleum, refined  
9 petroleum product, renewable fuel, water, or chemical generation, storage  
10 transportation, or delivery system.

11          **SECTION 8.** 943.143 (1) (b) of the statutes is amended to read:

12          943.143 (1) (b) "Energy provider property" means property that is part of an  
13 electric generation, distribution, or transmission system or part of a, natural gas, oil,  
14 petroleum, refined petroleum product, renewable fuel, water, or chemical  
15 generation, transmission, or distribution system and that is owned, leased, or  
16 operated by an energy provider.

17          **SECTION 9.** 943.143 (3) of the statutes is created to read:

18          943.143 (3) This section does not apply to any of the following:

19           (a) Any person who is:

20           1. Monitoring compliance with public or worker safety laws, wage and hour  
21 requirements, or other statutory requirements.

22           2. Engaging in picketing occurring at the workplace that is otherwise lawful  
23 and arises out of a bona fide labor dispute including any controversy concerning any  
24 of the following: wages or salaries; hour; working conditions; benefits, including  
25 welfare, sick leave, insurance, pension or retirement provisions; or the managing or

## BILL

## SECTION 9

1 maintenance of collective bargaining agreements and the terms to be included in  
2 those agreements.

3           3. Engaging in union organizing or recruitment activities that are otherwise  
4       lawful including attempting to reach workers verbally, in writing, and in the  
5       investigation of non-union working conditions.

6                   (b) An exercise of a person's right of free speech or assembly that is otherwise  
7                   lawful.

8 (END)

**To:** All Legislators  
**From:** Representatives David Steffen and Senator Van Wanggaard  
**Re:** Co-Sponsorship of LRB 0759/1 and LRB 3454/1  
**Deadline:** June 19<sup>th</sup>, 2019 at 5:00 pm

In 2015, we introduced bipartisan legislation that provides criminal penalties for individuals who intentionally damage or unlawfully enter property of an energy provider. This legislation was passed and signed into law as 2015 Wisconsin Act 158.

Under Act 158, any person who intentionally damages property owned, operated, or leased by an energy provider and intends to cause substantial interruption of the energy provider's goods or services is guilty of a Class H felony.

"Energy provider" is defined under Act 158 as follows:

- A public utility that is engaged in the production, transmission, delivery, or furnishing of heat, power, light, or water or the transmission or delivery of natural gas.
- An electric transmission company.
- A cooperative association organized for the purpose of producing or furnishing heat, light, or power for its members.
- A wholesale merchant plant.
- A decommissioned nuclear power plant.

Inadvertently, Act 158 did not include language covering the energy infrastructure provided by the water utilities, oil, petroleum, and renewable fuel industries, leaving a significant portion of the energy industry unprotected under the new law. LRB-0759/1 and LRB 3454/1 corrects this omission by incorporating and protecting this infrastructure.

LRB-0759/1 and LRB 3454/1 would simply add the underlined language below to the current definition of the current statutes:

"Energy provider property" means property that is part of an electric generation, distribution, or transmission system or part of an electric, natural gas, oil, petroleum, refined petroleum product, renewable fuel, water, or chemical generation, transmission, or distribution system and that is owned, leased, or operated by an energy provider."

If you would like to co-sponsor this bill, please contact Christina in Rep. Steffen's office (6-5840) or Scott in Sen. Wanggaard's office (6-1832) or reply to this email by June 19<sup>th</sup> at 5:00 pm.

*Analysis by the Legislative Reference Bureau*

Under current law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the actor intended to or caused an interruption or impairment of services provided by the energy provider. Under this bill, the definition of "energy provider" is expanded to include a company that operates a gas, oil, petroleum, refined petroleum product, renewable fuel, or chemical generation, storage transportation, or delivery system. Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.